

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402 PLD



Project Name: THE ORCHARD AT SALMON CREEK
SUBDIVISION

Case Number: PLD2009-00037; SEP2009-00062; WET2009-00048; EVR2009-00030; GEO2009-00018

Location: 12400 NE 42nd Avenue

Request: The applicant is proposing to divide approximately 5.93 acres located in an R1-10 zoning district into ten (10) single-family residential lots in four (4) phases using density transfer provisions of the Ordinance.

Applicant: Kessi Consulting
James Kessi
6400 NE Highway 99 #G169
Vancouver, WA 98665
(360) 991-9300; (888) 237-6197 [fax]
james@land-nw.com

Contact Person: Same as applicant

Property Owner: Ellen and James Kessi
6400 NE Hwy 99 #G169
Vancouver, WA 98665

RECOMMENDATION

Approve Subject to Conditions

Team Leader's Initials: ATB **Date Issued:** November 9, 2009

Public Hearing Date: November 24, 2009

County Review Staff:

| | <u>Name</u> | <u>Phone Ext.</u> | <u>E-mail Address</u> |
|---|---------------------|--------------------------|------------------------------|
| Planner: | Vicki Kirsher | 4178 | vicki.kirsher@clark.wa.gov |
| Engineer: (Trans. & Stormwater) | David Bottamini | 4881 | david.bottamini@clark.wa.gov |
| Engineer: (Trans. Concurrency) | David Jardin | 4354 | david.jardin@clark.wa.gov |
| Team Leader: | Travis Goddard | 4180 | travis.goddard@clark.wa.gov |
| Engineering Supervisor: (Trans. & Stormwater) | Sue Stepan P.E. | 4102 | sue.stepan@clark.wa.gov |
| Engineering Supervisor: (Trans. Concurrency) | Steve Schulte P. E. | 4017 | steve.schulte@clark.wa.gov |
| Wetland Biologist: | Brent Davis | 4152 | brent.davis@clark.wa.gov |
| Fire Marshal Office: | Tom Scott | 3323 | tom.scott@clark.wa.gov |

Comp Plan Designation: UL (Urban Low Density Residential)

Parcel Number: Lot 151 (186315) located in the Southeast quarter of Section 25; Township 3 North; Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code 40.200 (General Provisions); 40.220.010 (Single-Family Residential Districts, R1-10); 40.350.010 (Pedestrian/Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.430 (Geologic Hazard Area); 40.450 (Wetland Protection); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.520.010 (Legal Lot Determination); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); Title 14 (Buildings and Structures); 15.12 (Fire Code); Title 24 (Public Health); RCW 58.17 (State Platting Laws) and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

Pleasant Highlands Neighborhood Association
James Olson, President
12521 NE Riley Court
Vancouver, WA 98686
(360) 574-2052
E-mail: Jeo23@comcast.net

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the

application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 9, 2009. The pre-application was determined to be contingently vested as of March 19, 2009. The fully complete application was submitted on September 15, 2009, and determined to be fully complete on September 15, 2009. Given these facts the application is vested on March 19, 2009. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on September 15, 2009 [Exhibit 8]. The application was placed on hold when the 'Fully Complete' copies were not submitted in a timely manner; thereby extending the deadline by 7 days. Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 23, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on June 20, 2010.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the Pleasant Highlands Neighborhood Association, and property owners within 300 feet of the site on October 1, 2009. One sign was posted on the subject property and two within the vicinity on November 9, 2009.

Public Comments:

In response to public notice, the following written comments were received:

1. A letter was received on October 16, 2009 from Teri Hall, 1230 NE 43rd Avenue [Exhibit 15]. In her correspondence, Ms. Hall voiced concerns about the cul-de-sac design of NE 124th Street not providing "the ability to tag onto the dead end road in Hermitage Springs" to the south.

Staff Response

The applicant has modified the layout of the proposed subdivision. In addition, a road modification request (EVR2009-00030) to allow for a private cul-de-sac road has been withdrawn (See *Transportation Finding 4 below*). The revised plan [Exhibit 23] now shows NE 124th Street/40th Avenue providing a connection to future development on adjacent property to the south.

2. Emails were received from Gregg and Pat Levitt, 4217 NE 124th Street, on October 20, 2009 [Exhibit 18] and on November 3, 2009 [Exhibit 32]. One of them is on the Board of the Home Owners Association for the adjacent Greyhawk Ridge Subdivision. They raised the following questions:

- a. Are the Bonneville Power Administration (BPA) easements to be returned to the Greyhawk Homeowners? Also the survey markings for this easement appear incorrect.

Staff Response

The BPA easement runs along the western boundary of several lots within Greyhawk Ridge. Questions regarding possible vacation of this easement must be directed to BPA. There is, however, a 10-foot private road and utility easement identified on the plat for Greyhawk Ridge at Pleasant Valley Phase 2 which has been granted to the 5.93 acre development site (Lot 151). A note (#7) on said plat indicates this easement "will be extinguished upon development approval applicable to tax lots....151...requiring that access be provided through extension of ...NE 124th Street...". A condition of approval requires the applicant to address this issue prior to recordation of the final plat for Phase 1 (*See Transportation Finding 3 and Condition D-4*). It should be noted that extinguishment of the utility portion of this easement may be beyond control of the applicant. If said easement is either occupied or used by a utility company, said utility may not agree to relinquish their interest.

As part of the submitted materials, the applicant provided a copy of a 2009 recorded survey for the development site prepared by a surveyor, who is licensed in the State of Washington. Such surveys generally do not establish off-site easements. In the absence of supporting documentation contradicting this survey, there is no factual basis to substantiate that the survey is in error.

- b. Will the line of pine trees bordering Lot #1 and #10 be removed? Will the large maple tree on Lot 10 be preserved?

Staff Response

Other than environmentally sensitive areas, the county does not have regulations which prohibit an applicant from removing trees/greenery during development of a project. The county does, however, encourage developers to preserve as many trees as possible but recognizes there are a number of factors that may limit which and how many of the trees can be retained.

The applicant has indicated [*Exhibit 33*] that "the intent is to preserve and retain trees where possible in the subdivision as trees add depth and added benefits." If a tree is determined to be potentially hazardous, diseased, or unsafe, however, the owner of an individual lot will make a final determination on tree preservation.

- c. Will the bio-filter swale be fenced? Will it be visible to Greyhawk Ridge neighbors? Who will maintain the swale?

Staff Response

As proposed, the stormwater facilities will be underground and, as a result, will not be visible to neighbors. In addition, fencing will not be required.

The preliminary stormwater report submitted with the application indicates the facilities are proposed to be privately owned and maintained (See *Stormwater Finding 2 below*). In his written response on this issue [Exhibit 33], the applicant states that "storm facilities and storm facility tracts are proposed to be public" which means they would be maintained by the County. This issue needs to be clarified at the hearing.

- d. Will Lot #10 be a flag lot due to the bio-filter?

Staff Response

Lot 10 is not being proposed as a flag lot.

- e. Will the wetlands be preserved?

Staff Response

The wetlands and wetland buffers, approximately 2.8± acres of the site, will be placed in an open space tract for protection. See Wetland findings.

- f. How much additional traffic will be planned for NE 124th street into the subdivision?

Staff Response

The applicant has submitted a traffic study that indicates the proposed subdivision will consist of 9 new single-family residential lots. The study estimated the weekday a.m. peak-hour trip generation at 7 new trips, while the p.m. peak-hour trip generation is estimated at 9 new trips, with average daily trips estimated at 86. These trip generations have been estimated using nationally accepted data published by the Institute of Transportation Engineers. See Concurrency findings.

- g. We would prefer not to have a gated entry due to traffic & noise concerns along with toxic fumes from standing vehicles.

Staff Response

As previously noted, the subdivision plan has been revised so that a gated entry is no longer being proposed.

- h. Will the development require a sewage pumping station?

Staff Response

The sanitary sewer purveyor for this project is Clark Regional Wastewater District. As a result, any requirements for providing sewer service to this project falls under the auspices of the District. The best route for extending the sewer line, and any requirements for so doing, will ultimately be determined by the District. Based on a Utility Review letter submitted for this project, however, it does not appear the District will require a pumping station.

- i. We would request that the road to the construction area and existing driveway to Lot #1 be paved and kept clean during all phases of construction.

Staff Response

The County's Road Standards require driveways to have a minimum width of 12 feet of clear unobstructed all-weather surface. The County's Development Engineering staff will ensure compliance with this requirement.

An erosion and dust control plan is required by County Code. Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

- j. If approved, when will construction begin on the project?

Staff Response

Preliminary plan approval is valid for a period of 5 years. When construction actually occurs will be determined by the developer.

Due to a lack of demand for lots and housing in Clark County, the applicant does not anticipate subdivision construction will begin until the end of the approval period. However, any construction will ultimately be determined by market conditions [Exhibit 33].

Project Overview

The subject 5.93 acre parcel is located at the terminus of NE 124th Street, approximately 110 feet west of NE 43rd Avenue. An existing residence, a tree house, and a barn are currently located on the property. The dwelling will be situated on proposed Lot 1. All other structures will be removed prior to construction of the phase upon which they are situated.

The westerly 2.8± acres are encumbered with steep slopes and wetlands. The applicant is, therefore, proposing to divide the property into ten (10) single-family residential lots in four (4) phases using density transfer provisions of the R1-10 zoning district. The following table identifies how many lots will be developed in each phase:

| <u>Phase</u> | <u>Proposed Lots</u> |
|--------------|----------------------|
| 1 | 1 |
| 2 | 1 |
| 3 | 1 |
| 3 | 7 |

The original plan [Exhibit 5] called for the westward extension of NE 124th Street. The newly constructed portion of the roadway was to be a private cul-de-sac with a gated entry. The applicant, however, modified the proposal. The revised preliminary plan [Exhibit 23] now shows NE 124th Street as a public road with a connection to future development on adjacent property to the south. Lot 1 will be served by a 20-foot access easement across Lot 2. All other resulting lots will have direct access on to the newly constructed public street.

The site is located within the Battle Ground School, District, Fire District #5, and Park District #8.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

| Compass | Comp Plan | Zoning | Current Land Use |
|---------|-------------------------------|--------|--|
| Site | Urban Low Density Residential | R1-10 | Single family residential |
| North | Urban Low Density Residential | R1-10 | Single family residential subdivision |
| East | Urban Low Density Residential | R1-10 | Single family residential subdivision |
| South | Urban Low Density Residential | R1-10 | Acreage homesite |
| West | Urban Low Density Residential | R1-10 | Bonneville Power Lines and County-owned land |

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

LAND USE:

Finding 1 – Density Transfer

The proposed subdivision is situated within an R1-10 zoning district. For those properties containing certain specific sensitive areas, the zone has provisions to transfer the allowable density for said sensitive areas to the remaining unencumbered land areas on the same development site. The applicant's proposal qualifies for this density transfer option because approximately 2.8± acres of the site are encumbered with steep slopes and wetlands.

CCC 40.220.010(C)(5)(b)(2) specifies that "the maximum number of units that can be achieved on the site is based on the density in Table 40.220.010-4, multiplied by the gross acreage of the entire site, both encumbered and unencumbered, without deducting for road easements or right-of-way." The actual number of lots that can be achieved is determined by site characteristics and the prescribed minimum lot standards.

Based on the above formula, the maximum number of parcels allowed on this site is 20. The applicant is proposing to divide the property into 10 lots which is well within the number allowed by the ordinance. In accordance with CCC 40.220.010(C)(5)(b)(7), however, a recorded covenant shall be placed on those areas from which density is transferred prohibiting any development of the parcel inconsistent with its intended use. Said covenant shall be recorded in conjunction with Phase 1 (*See Condition D-1*).

Finding 2 – Phasing Requirements

The applicant is proposing to develop the subdivision in four (4) phases. As per CCC 40.540.050(D)(4), the applicant shall show:

- a. *The phasing plan includes all land within the preliminary plat;*
- b. *Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision; and*
- c. *All road improvement requirements are assured.*

Finding 3 – Lot Standards

In accordance with CCC 40.220.010(C)(5)(b)(8), the subdivision shall be subject to maximum lot area provisions of the R1-10 zoning district. This zone specifies that the maximum average lot area allowed is 15,000 square feet. Based on lot sizes noted on the revised preliminary plan [*Exhibit 23*], the average lot area for this development is 11,133 square feet [*Exhibit 36*]. This criterion is met.

Per 40.220.010(C)(5)(b)(3), the minimum lot depth of any lot abutting environmentally sensitive lands shall be 55 feet. For parent parcels larger than two and one-half (2.5) acres, resulting lots abutting adjacent R1-10 zoned properties shall also comply with requirements set forth in CCC 40.220.010(C)(5)(b)(4)(a). This code provision specifies the newly created parcels must contain at least 9,000 square feet. In addition, these parcels shall have a minimum lot depth of 72 feet and a minimum lot width of 70 feet.

In accordance with CCC 40.220.010(C)(5)(b)(4)(b), for resulting lots which are interior (not a part of the parent parcel abutting an adjacent property line) to the site shall conform to the lot requirements set out in Table 40.220.010-4. These standards include an average lot width of 70 feet and an average lot depth of 50 feet. In addition, these lots shall have a minimum useable lot area of 4,500 square feet.

A review of the revised preliminary plat [Exhibit 23] reveals that all resulting lots meet the above dimensional requirements. Provided the wetland tract is included as part of Phase 1, all lots will also contain sufficient area to meet the lot size standards specified above (See Condition D-2-a). With this condition, the proposed subdivision in its entirety meets lot standard requirements, as does each individual phase.

Finding 4 – Setbacks/Lot Coverage

NE 40th Avenue is proposed to end as a temporary turnaround at the southern boundary of the site. Per 40.200.070(B)(3), in residential zoning districts, where a temporary turnaround easement constitutes all or part of the front lot line, front setbacks shall be a minimum of ten (10) feet from the temporary easement for the dwelling and fifteen (15) feet for the associated garage. A plat note identifying the setback from the turnaround will be required. This note will expire when the temporary turnaround is removed (See Condition D-11-a).

The maximum lot coverage in the R1-10 zoning district is 50%. To ensure compliance with this code provision, a plat note to this effect will be required (See Condition D-11-b).

Finding 5 – Existing Structures

It is the applicant's intention to remove the barn and tree house from the premises prior to construction of the phase upon which they are situated. A condition will be imposed to ensure these buildings are removed, with the necessary permits (See Condition B-4). It should be noted that, as part of these demolition permits, the applicant will be required to comply with all applicable asbestos inspection and control regulation in accordance with procedures of the Southwest Clean Air Agency identified below.

Finding 6 – Mobile/Manufactured Homes

The applicant has not specifically indicated that manufactured homes may be placed on individual lots resulting from this proposed subdivision. As a result, pursuant to CCC 40.260.130(A)(2), manufactured homes are prohibited on any lot within in this subdivision (See Condition D-11-c).

Finding 7 – State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residence to public sewer and water, as well as treatment of any future increase of stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

ARCHAEOLOGY:

Finding 1 – Historic and Cultural Preservation

A majority of the 5.93 acre parcel is located within a Moderate to High (40 - 100 percent) probability area for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. This project is considered a high impact development. Therefore, an archaeological predetermination was required.

Archaeological Services of Clark County (ASCC) performed a survey of the property and recommended no further archaeological work. The report was reviewed by the Department of Archaeology and Historic Preservation (DAHP). The agency concurs with this recommendation [*Exhibit 16, Tab 11*]. However, a condition will be imposed that in the event any cultural resources are discovered in the course of undertaking development activity for this project, DAHP shall be notified (*See Conditions A-1-a and D-11-d*).

Conclusion (Archaeology): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets archaeology requirements of the Clark

WETLANDS:

Finding 1 – Proposal

The applicant proposes wetland buffer averaging adjacent to two wetlands to create 10 single family residential lots on an approximate 5.9 acre parcel.

Finding 2 – Boundaries and Buffers

Staff concurs with the wetland boundaries, ratings, and wetland buffers shown in the February 2009 Critical Areas Report [*Exhibit 6*] prepared by Ecological Land Services, and revised on October 22 and 26 [*Exhibits 25 and 27*]. The site includes Category II wetlands to the west (Unit 2) and Category III wetlands to the north (Unit 1). The Unit 2 wetland scores 22 points for Habitat Function on the rating form and requires a 120 foot buffer for the proposed High Intensity Use (CCC Table 40.450.030-2). The Unit 1 Wetland requires an 80 foot buffer, but large portions of the buffer are Functionally Isolated by steep slopes per CCC 40.450.030(E)(4)(b)(1) [*Exhibit 26*]. This finding constitutes a revision to the County's Wetland Determination issued on October 8, 2009 [*Exhibit 11*].

The wetland buffers are shown correctly on the revised Figure 2A of the Wetland Buffer Modification Plan [*Exhibit 28*]. The existing wetland buffers must be shown correctly on the Existing Conditions plan prior to construction plan approval (*See Condition A-2-a*).

Finding 3 – Buffer Averaging

The applicant proposes buffer averaging as described in the June 2009 Wetland Buffer Modification Plan [*Exhibit 6*] and revised Figure 2A [*Exhibit 28*] prepared by Ecological Land Services. The proposed buffer averaging complies with CCC 40.450.040(C)(3).

Conclusion (Wetlands): Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary plat and preliminary wetland permit comply with the requirements of the Wetland Protection

Ordinance PROVIDED that certain conditions (A-2, C-1, D-2, and D-11-e) are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

SOUTHWEST CLEAN AIR AGENCY:

Finding 1 – Demolition of Structures

In response to SEPA notice, a letter was received from Southwest Clean Air Agency (SWCCA) on October 13, 2009 [Exhibit 13]. The SWCAA letter cites asbestos inspection regulations that apply to demolition or renovation of existing structures. It also states that construction activities have the potential to generate dust nuisances, which are prohibited. Dust abatement measures must be employed as necessary during construction. An Air Discharge Permit is required for any proposed installation or modification that creates any new or increased source of air contaminants.

The County requires permits prior to removal and/or demolition of structures (See *Land Use Finding 5 and Condition B-4*). The demolition permit process will ensure with SWCAA requirements.

Finding 2 – Dust Abatement

Dust abatement measures are required during construction. The applicant has been provided with a copy of the SWCAA letter and is separately responsible for compliance with agency requirements. Compliance with the county's Stormwater and Erosion Control Ordinance will mitigate or prevent impacts from dust (See *Stormwater Findings and Condition A-8*).

DEPARTMENT OF ECOLOGY:

Finding 1 – Toxic Clean-up

The Washington Department of Ecology (DOE) submitted a letter, dated October 16, 2009 [Exhibit 16]. This correspondence states that there are no known contaminated sites within a half-mile radius of the proposed development site, and advises that "if environmental contamination is discovered on the site it must be reported to Ecology's Southwest Regional Office."

The applicant has been provided with a copy of the DOE letter, and is separately responsible for compliance with all state and federal regulations. An advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify the Department of Ecology if contamination is discovered (See *Condition B-5*).

Finding 2 – Waste Resources

The DOE letter encourages the developer to "consider the principles of smart growth, urbanism and green building in order to reduce the impacts from the development"; most specifically those techniques referenced in the LEED (Leadership in Energy and Environmental Design) for Neighborhood Development rating system. It is also noted that landscaping should incorporate waste prevention measures and the use of organic materials. DOE also recommends using organic debris generated on-site if possible for landscaping.

The developer is also encouraged by DOE to recycle all possible leftover construction, demolition, and land clearing (CDL) materials and reduce waste generated.

The applicant has been provided with a copy of the DOE letter and is encouraged to incorporate the Departments recommendations.

Finding 3 – Water Quality

Any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It also specifies that “erosion control measures must be in place prior to any clearing, grading or construction” on site and identifies several preventative measures to be taken to ensure such discharge does not occur.” An erosion and dust control plan is required by County Code (*See Condition A-8*). Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

The DOE letter also notes that the project may require a construction stormwater permit, also known as the National Pollution Discharge Elimination System (NPDES) and State Waste Discharge Permit for Stormwater Discharges Associated with Construction. This permit is required for projects which meet both of the following conditions

- One or more acres of soil surface area will be disturbed by construction activities; and
- The site already has offsite discharge to waters of the state or storm drains or will have offsite discharge during construction.

The applicant has been provided a copy of the DOE letter, and will be required to obtain any permits required (*See Condition G-2*).

Finding 4 – Water Resources

The proponent is responsible for inspecting the site to determine the location of all existing wells. Any unused wells must be properly decommissioned and decommission reports submitted to Ecology as described in WAC 173-160-381. This includes resource protection wells and any dewatering wells installed during the construction phase of the project.

GEO-HAZARD:

Finding 1 – Applicability

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. In accordance with the county GIS mapping system, the proposed development is within 100 feet of slope instability and adjacent to a severe erosion hazard area. The provisions of CCC 40.430, therefore, apply to this development.

Finding 2 – Geologic Hazard Issues

With the original application materials, the applicant submitted a preliminary geotechnical report that is dated February 10, 2009. Additional study was submitted on October 26, 2009 [Exhibit 22]. The proposed project shall implement recommendations identified in the preliminary geotechnical report unless further studies present new or different facts (See Condition A-3-a). The recommended setback from the top of the adjacent slope shall be clearly depicted on the engineering plans and final plat (See Conditions A-3-b and D-3).

A building permit is required for retaining walls greater than 4 feet tall or when the wall is surcharged. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities (See Condition A-3-c).

During construction, the geotechnical engineer shall certify that work performed is consistent with his recommendations and shall also certify that there are no safety concerns (See Condition C-2).

Conclusion (Geo-Hazard): Based upon the development site characteristics, the proposed geotechnical plan, the requirements of the County's geologic hazard area ordinance, and findings above, staff concludes that the proposed preliminary geotechnical engineering plan, subject to conditions identified above, is feasible. Therefore, requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION:

Finding 1 – Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with provisions of CCC 40.350.010. The proposal meets the pedestrian circulation code.

Finding 2 – Road Circulation

The applicant has provided sufficient circulation to the east and south. Ultimately, the proposed NE 40th Avenue can be extended to the south to an existing stub of NE 40th Avenue. The project complies with the circulation plan requirements set forth in CCC 40.350.030(B)(2).

Finding 3 – Roads

The applicant has proposed public roads identified as NE 124th Street and NE 40th Avenue. The roads shall meet minimum improvements associated with an "Urban Local Residential" road. The required minimum paved width is 28 feet. However, the applicant has proposed a 26-foot width. The applicant communicated via e-mail with staff on October 27th and stated a willingness to widen the proposed road to 28 feet [Exhibit 30]. Even so, this requirement will be placed as a condition (See Condition A-4-a). The on-site public road also does not appear to meet the minimum centerline radius of 70 feet per Table 40.350.030-4. This deficiency shall be corrected on the final engineering construction plans (See Condition A-4-b).

In compliance with CCC 40.350.030(B)(9)(b)(2), the applicant proposes an 80-foot diameter temporary turnaround at the terminus of the proposed NE 40th Avenue stub road. CCC 40.350.030(B)(9)(b)(2) indicates that removal of a temporary turnaround and extension of sidewalk shall be the responsibility of the developer who extends the road (See *Condition D-11-f*).

The applicant is responsible for providing all necessary transportation improvements required for each proposed phase (See *Condition A-4-c*).

All issues regarding plat note #7 associated with Greyhawk Ridge At Pleasant Valley Phase 2 shall be resolved prior to recordation of the final plat for proposed Phase 1 (See *Condition D-4*).

Finding 4 – Road Modification (EVR2009-00030)

The applicant initially requested a road modification (EVR2009-00030) “to allow for a private cul-de-sac while not requiring a stub street to the south which results in a varying block length.” In an email dated October 26, 2009, the applicant withdrew the road modification application [Exhibit 24].

Finding 5 – Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections (See *Condition A-4-d*).

The applicant submitted a sight distance certification letter dated June 20, 2009. The applicant performed sight distance analysis at the intersections of NE 43rd Avenue/NE 124th Street and NE 43rd Avenue/NE 119th Street. The applicant indicated vegetation must be trimmed back to the south and north of the intersection of NE 43rd Avenue/NE 124th Street in order to comply with the requirement for an uncontrolled intersection (See *Condition A-4-e*).

Conclusion (Transportation): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding 1 – Trip Generation

The applicant has submitted a traffic study under the provisions of CCC 40.350.020(D)(1). This study indicates that the proposed subdivision will consist of 9 new single-family detached home lots. The applicant’s traffic study has also estimated the weekday a.m. peak-hour trip generation at 7 new trips, while the p.m. peak-hour trip generation is estimated at 9 new trips, with average daily trips estimated at 86. These trip generations have been estimated using nationally accepted data published by the Institute of Transportation Engineers.

Finding 2 – Concurrency

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Staff has performed an evaluation of the operating levels and delay standards represented in the County's model. The County's model studies intersections and corridors of regional significance within the development area. The County's model yielded operating levels and delay standards, during the p.m. peak hour, with a LOS better than the minimum allowable LOS E for unsignalized intersections with the exception of NE 50th Avenue/NE 119th Street.

NE 50th Avenue/NE 119th Street

The intersection of NE 50th Avenue and NE 119th Street is projected operate at a LOS E in the 2012 Concurrency horizon and is also projected to meet signal warrants; thereby creating a Concurrency failure with the failing approaches being in the eastbound and westbound directions. The applicant's traffic study indicates that there are vehicle trips assigned to the failing approaches in the NE 50th Avenue/NE 119th Street intersection.

The applicant has submitted a volunteer letter ensuring mitigation at the intersection of NE 50th Avenue/NE 119th Street [Exhibit 29]. This mitigation has been proposed to offset the impacts of the Orchard at Salmon Creek Subdivision. Concurrency Staff has reviewed the proposed mitigation and concurs with the applicant's recommendation of a northbound right-turn lane at the intersection of NE 50th Avenue/NE 119th Street.

The applicant shall ensure the construction of a northbound right turn lane at the intersection of NE 50th Avenue/NE 119th Street to offset the transportation impacts of the proposed Orchard at Salmon Creek Subdivision. The construction shall include:

- A 75-foot long, 12-foot wide northbound right-turn lane with a 50-foot long taper; and,
- Related signing and striping associated with the volunteered improvement.

These mitigations should be constructed and operational prior to occupancy of any new residence (See *Transportation Concurrency Conditions A-6-a, E-1, and F-1*).

Based on the findings and ensured mitigation volunteered by the applicant, Staff has determined that this development can comply with adopted Concurrency Standards for unsignalized intersections.

Conclusion (Transportation Concurrency): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets transportation concurrency requirements of the Clark County Code.

STORMWATER:

Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in CCC 40.380.030.

The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in CCC 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion, and a plan is required for all projects meeting applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 – Stormwater Proposal

The applicant has submitted a preliminary stormwater report dated June 29, 2009. The proposal indicates infiltration will be utilized for the purpose of water quantity control. On-site infiltration rates were measured in three locations. The infiltration rate of 35 inches per hour was obtained in the proposed location of the infiltration facility and using a safety factor of 2, a design infiltration rate of 17.5 inches per hour was utilized. Stormwater will not be infiltrated in individual lot infiltration systems except possibly on proposed Lots 2 and 10. The applicant indicates in the report a number of water quality best management practices will be considered, however, the plan depicts a proposed StormFilter. The applicant communicated via e-mail on October 26th that a StormFilter (Contech Stormwater Solutions) will be utilized [Exhibit 24]. The facilities are proposed to be privately owned and maintained. In a subsequent correspondence [Exhibit 33], the applicant states that "storm facilities and storm facility tracts are proposed to be public". This issue needs to be clarified at the hearing.

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 5.00 inches. The 10-year/24-hour storm event precipitation depth is 3.00 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.00 inches.

Finding 3 – Site Conditions and Stormwater Issues:

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (See Condition A-7-a). The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c) (See Condition A-7-b).

Per CCC 40.380.040(H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities (See Condition A-7-c).

During construction, the infiltration rates shall be verified in the field and corresponding laboratory testing shall also be performed (*See Condition C-3*).

Each individual proposed phase shall be designed with sufficient stormwater management facilities and comply with CCC 40.380 (*See Condition A-7-d*).

Conclusion (Stormwater): Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 ext. 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-2*).

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site and is estimated to exceed 1,000 gpm.

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated existing fire hydrant is adequate.

Finding 5 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access, and meet requirements of the Clark County Road Standard. The applicant shall ensure that fire apparatus access roads maintain an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (*See Condition A-9*).

Finding 6 – Fire Apparatus Turnarounds

Fire apparatus turnarounds are required and, as shown, meet requirements of the Road Standards.

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

UTILITIES:

Finding 1 – Water and Sewer

Lots resulting from the proposed subdivision are required to connect to public water and sewer. The site will be served Clark Public Utilities for water while Clark Regional Wastewater District will provide sanitary sewer service. The applicant has submitted a current utility review from these agencies confirming that services are available to the site.

Prior to final plat approval for each phase, the applicant shall provide documentation from the utilities indicated that water and sewer connections have been installed and approved (*See Conditions D-5 and D-6*).

Finding 2 – Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. (*See Condition A-10*).

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 – Existing Dwelling

As previously noted, there is an existing dwelling on the development site. Therefore, impact fees will be waived for Lot 1 upon which the residence is located. Said lot shall be identified on the final plat (*See Condition D-8*).

Finding 2 – Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic (TIF) Impact Fees in accordance with CCC 40.610.

The site is located within:

- Battle Ground School District with a SIF of \$8,290.00 per dwelling;
- Park District #8 with a PIF of \$1,800.00 per dwelling (\$1,360.00 for acquisition and \$440.00 for development);

- Hazel Dell/Mt. Vista Transition sub-area with a TIF of \$5,344.37 per dwelling (\$1,870.53 – local and \$3,473.84 – regional).

Impact fees shall be paid prior to issuance of building permits for each new lot (See *Conditions D-9-d and E-3*). If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review. This decision was made after review of a completed environmental checklist and other information on file with the County.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on October 1, 2009 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal cannot be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Vicki Kirsher, Planner – (360) 397-2375, ext. 4178
Travis Goddard, Team Leader – (360) 397-2375, ext. 4180

Responsible Official: Michael V. Butts

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

RECOMMENDATION

Based upon the revised preliminary plan [Exhibit 23], and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Final Construction Plan Review for Land Division Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Construction Plan - The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:

- a. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (See *Archaeology Finding 1*)

A-2 Wetlands:

- a. The Existing Conditions Plan shall show the corrected existing wetland buffer. (See *Wetland Finding 2*)
- b. The applicant shall submit a final buffer averaging plan **or** apply for a Final Wetland Permit.
- c. Final Wetland Permit approval will be waived if existing wetland buffers and the finalized wetland buffer averaging plan are shown on the Grading and Engineering Construction Plans.

A-3 Geo-Hazard - The applicant shall submit and obtain County approval of a final geotechnical engineering plan designed in accordance with CCC 40.430 and the following conditions of approval:

- a. The proposed project shall implement recommendations identified in the preliminary geotechnical report unless further studies present new or different facts. *(See Geo-Hazard Finding 2)*
- b. The recommended setback from top of the adjacent slope shall be clearly depicted on the engineering plans. *(See Geo-Hazard Finding 2)*
- c. A building permit is required for retaining walls greater than 4 feet tall or when groundwater is surcharged adjacent to the wall. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities. *(See Geo-Hazard Finding 2)*

A-4 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The proposed roadways shall have a minimum paved width of 28 feet wide. *(See Transportation Finding 3)*
- b. The on-site public road shall have minimum centerline radii of 70 feet per Table 40.350.030-4. *(See Transportation Finding 3)*
- c. The applicant is responsible for providing all necessary transportation improvements required for each proposed phase. *(See Transportation Finding 3)*
- d. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. *(See Transportation Finding 5)*
- e. The applicant shall comply with the sight distance standards of CCC 40.350.030(B)(8) and vegetation must be trimmed back to the south and north of the intersection of NE 43rd Avenue and NE 124th Street. *(See Transportation Finding 5)*

A-5 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-6 Final Transportation Plan/Off Site (Concurrency) - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall submit a signing and striping design for review and approval to the Public Works Transportation Division. This design shall show signing and striping and all related features for required frontage and offsite road improvements. The offsite road improvements may include signing and striping for the intersection of NE 119th Street/NE 50th Avenue. The applicant shall obtain a Work Order with Clark County to reimburse the County for the signing and striping changes needed along the frontage of this development and any offsite road improvements. (*See Transportation Concurrency Finding 2*)

A-7 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (*See Stormwater Finding 3*)
- b. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). (*See Stormwater Finding 3*)
- c. Per CCC 40.380.040 (H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities. (*See Stormwater Finding 3*)
- d. Each individual proposed phase shall be designed with sufficient stormwater management facilities and comply with CCC 40.380. (*See Stormwater Finding 3*)

A-8 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-9 Fire Marshal Requirements: The applicant shall ensure that fire apparatus access roads maintain an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (*See Fire Protection Finding 5*)

A-10 Health Department Review - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction,

Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See *Utilities Finding 2*)

A-11 Other Documents Required - The following documents shall be submitted with the Final Construction Plan:

- a. **Developer's Covenant:** A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

(Example: Deed dedicating required right-of-way)

A-12 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC Chapter 14.07.

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| B | Prior to Construction of Development Review & Approval Authority: Development Inspection |
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall **not** be removed without County approval.
- B-4 Demolition Permits** - Prior to demolition and/or removal of structures on the site, the applicant shall obtain demolition permits from the Clark County Building Division. (See *Land Use Finding 5*)

- B-5 Contamination** - If during the course of construction activities on the site contamination is discovered, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300 for more information. (See *Department of Ecology Finding 1*)

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| C | Provisional Acceptance of Development Review & Approval Authority: Development Inspection |
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

- C-1 Wetlands and Buffers** – Prior to Phase 1, permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.), and posting of approved signage on each future lot or every 100 feet of the boundary, whichever is less.
- C-2 Geo-Hazard:**
- a. During construction, the geotechnical engineer shall certify that work performed is consistent with his recommendations and shall also certify that there are no safety concerns. (See *Geo-Hazard Finding 2*)
 - b. Certification required in C-2-a- above shall be submitted prior to final inspection approval. (See *Geo-Hazard Finding 2*)
- C-3 Stormwater:** The installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. (See *Stormwater Finding 3*)

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| D | Final Plat Review & Recording Review & Approval Authority: Development Engineering |
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1** In accordance with CCC 40.220.010(C)(7), a recorded covenant shall be placed on those areas or tracts from which density is transferred prohibiting any development of the parcel or tract inconsistent with its intended use. Said covenant shall be recorded with Phase 1. (See *Land Use Finding 1*)
- D-2 Wetlands:**
- a. Tract A shall contain all wetlands and wetland buffers and shall be included in the Phase I plat. (See *Land Use Finding 3*)

- b. The wetland and buffer boundaries shall be delineated on the face of the final plat.
 - c. Prior to recordation of the final plat for Phase 1, the applicant shall record a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state.
 - d. Final Wetland Permit approval shall be required if Conditions in A-2 above are not met.
- D-3 Geologic Hazard** - The recommended setback from the top of the adjacent slope shall be clearly depicted on the final plat. (*See Geo-Hazard Finding 2*)
- D-4** All issues regarding plat note #7 associated with Greyhawk Ridge At Pleasant Valley Phase 2 shall be resolved prior to recordation of the final plat for proposed Phase 1. (*See Transportation Finding 3*)
- D-5** For each phase, the applicant shall provide documentation from Clark Public Utilities that water connections to the new lots have been installed and approved. (*See Utilities Finding 1*)
- D-6** For each phase, the applicant shall provide documentation from Clark Regional Wastewater District that public sewer connections to the new lots have been installed and approved. (*See Utilities Finding 1*)
- D-7 Abandonment of On-Site Water Wells and Sewage Systems** – The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.
- D-8 Impact Fees** –The final plat shall identify that impact fees are waived for the existing residence on Lot 1. (*See Impact Fee Finding 1*)
- D-9 Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
 - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
 - c. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate)

occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

- d. Impact Fees: "In accordance with CCC 40.610, except for one (1) lot with the existing dwelling and designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$8,290.00 (Battle Ground School District); \$1,800.00 (\$1,360.00 for acquisition and \$440.00 for development for Park District #8); and \$5,344.37 (\$1,870.53 – local and \$3,473.84 – regional) Hazel Dell/Mt. Vista Transition sub-area respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-10 Addressing - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-11 Plat Notes - The following notes shall be placed on the final plat:

- a. Temporary Turnaround Setback: Where a temporary turnaround easement constitutes all or part of the front lot line, front setbacks shall be a minimum of ten (10) feet from the temporary easement for the dwelling and fifteen (15) feet for the associated garage. This note shall expire when NE 40th Avenue is extended and the temporary turnaround is removed. (See *Land Use Finding 4*)
- b. Lot Coverage: Maximum lot coverage for all structures on individual lots is fifty percent (50%). (See *Land Use Finding 4*)
- c. Mobile Homes: "Mobile homes are prohibited on all lots within this subdivision under provisions of CCC 40.260.130."
- d. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with

these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (See *Archaeological Finding 1*)

- e. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."
- f. Temporary Turnaround: "Removal of a temporary turnaround and extension of sidewalk shall be the responsibility of the developer who extends the road."
- g. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- h. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- i. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- j. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."

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| E | Building Permits |
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| | Review & Approval Authority: Customer Service |
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Transportation (Concurrency)** - Prior to issuance of a building permit for any new residence, the applicant shall ensure that the construction drawings for the construction of a northbound right-turn lane at the intersection of NE 50th Avenue/NE 119th Street are submitted for review and approval. The construction drawings shall include a 75-foot long, 12-foot wide northbound right-turn lane with a 50-foot long taper and related signing and striping associated with the volunteered improvement. (See *Transportation Concurrency Finding 2*)
- E-2 Fire Marshal**: Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See *Fire Protection Finding 2*)

E-3 Impact Fees - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

- a. \$8,290.00 per dwelling for School Impact Fees (Battle Ground School District);
- b. \$1,800.00 per dwelling for Park Impact Fees (\$1,360.00 for acquisition and \$440.00 for development – Park District #8);
- c. \$5,344.37 per dwelling for Traffic Impact Fees (\$1,870.53 – local and \$3,473.84 – regional in Hazel Dell/Mt. Vista Transition sub-area);

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate. (*See Impact Fees Finding 2*)

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| F | Occupancy Permits Review & Approval Authority: Building |
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Transportation (Concurrency) - The applicant shall ensure the construction a northbound right-turn lane at the intersection of NE 50th Avenue/NE 119th Street is completed and operational prior to occupancy of any new residence. This construction shall include a 75-foot long, 12-foot wide northbound right-turn lane with a 50-foot long taper and related signing and striping associated with the volunteered improvement, or, other mitigations approved by the County. All work shall be performed unless modified by the Public Works Director. (*See Transportation Concurrency Finding 2*)

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| G | Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant |
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G-1 Land Division - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the

larger project planned over time. The applicant shall Contact the DOE for further information.

- G-3 Building and Fire Safety** - Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

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| H | Post Development Requirements Review & Approval Authority: As specified below |
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H-1 None

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a "hearing extension" or "open record" and shall pay the associated fee.

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| HEARING EXAMINER DECISION AND APPEAL PROCESS |
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This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision may be appealed to superior court only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter. The appeal shall be filed within twenty-one (21) calendar days from the date the notice of final land use decision is mailed to parties of record.

Attachments:

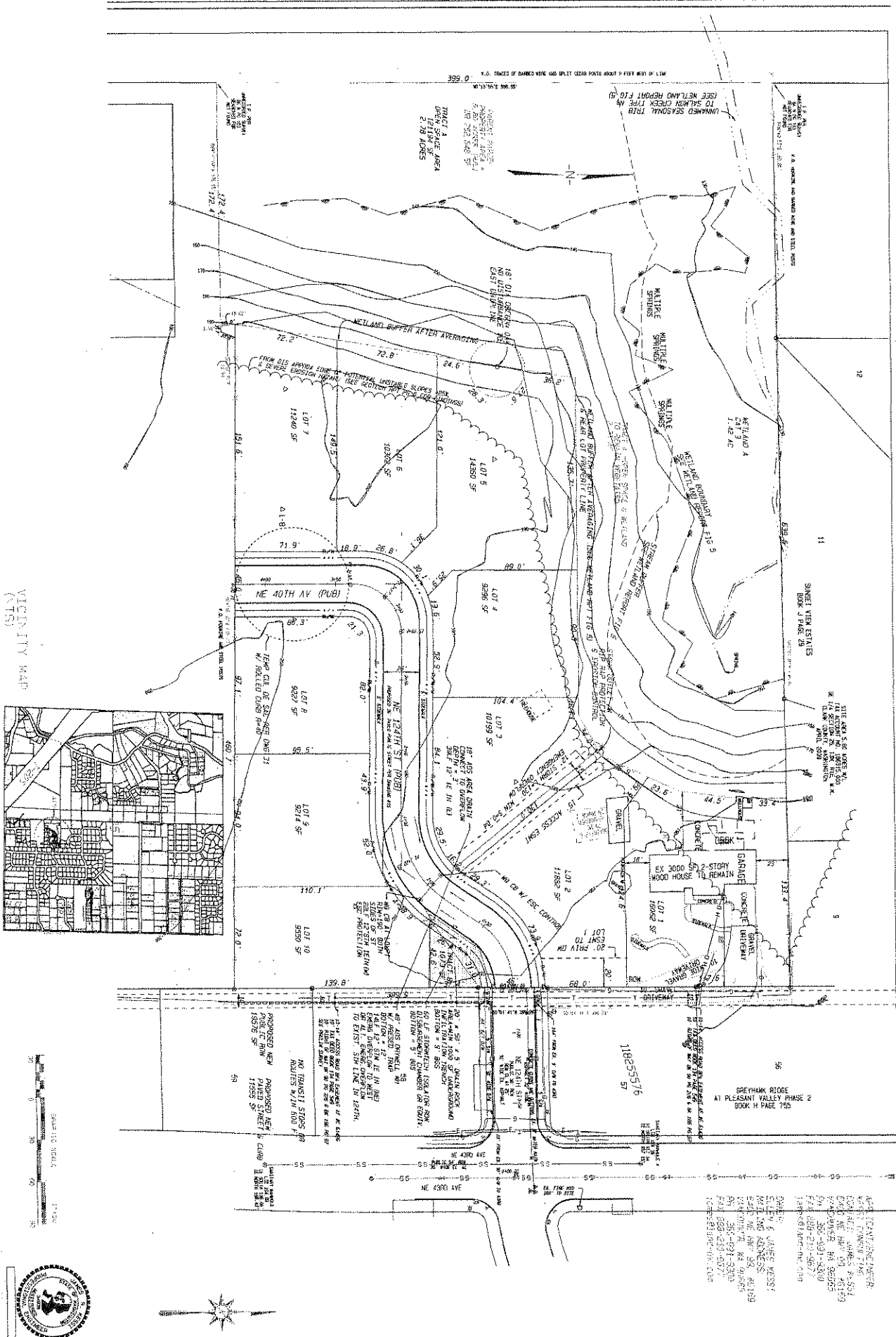
- Copy of Revised Preliminary Plan [Exhibit 23]
- Exhibit List

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

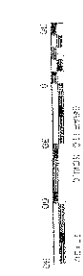
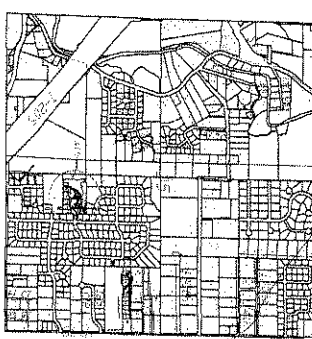
A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>



NE 40TH AV (PUB)



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| APPLICANT: KESSLI CONSULTING 6400 NE HWY 98, #6103 Portland, OR 97206 Phone (503) 991-9300 | PROJECT NUMBER: JAMES KESSLI DATE: JULY 2009 DRAWN BY: JAMES KESSLI CHECKED BY: JAMES KESSLI APPROVED BY: JAMES KESSLI | THE ORCHARD at SALMON CREEK PROPOSED SUBDIVISION PLAN |
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REVISED
10/26/09

EXHIBIT #
23

HEARING EXAMINER EXHIBITS

Project Name: THE ORCHARD AT SALMON CREEK SUBDIVIS



Case Number: PLD2009-00037; SEP2009-00062; WET2009-00048; EVR2009-00030; GEO2009-00018

Hearing Date: November 24, 2009

| EXHIBIT NO. | DATE | SUBMITTED BY | DESCRIPTION |
|-------------|----------|-----------------------------|--|
| 1 | | CC Development Services | Aerial Map |
| 2 | | CC Development Services | Vicinity Map |
| 3 | | CC Development Services | Zoning Map |
| 4 | | CC Development Services | Comprehensive Plan Map |
| 5 | 6/30/09 | Applicant: Kessi Consulting | Proposed Subdivision Plans |
| 6 | 6/30/09 | Applicant: Kessi Consulting | Application Packet: Application Form, Pre-App Rpt, GIS Packet, Narrative, Legal Lot Det, Approved PreLim Plats abutting Site, Preliminary Boundary Survey, GeoTech Rpt, Stormwater Pre-Lim Plan, Traffic Study, SEPA, Arc Pre-Determination, Sewer Purveyors Utility Rev, Water Purveyor Utility Rev, Health Dist Dev Review, Assoc. Applications: Soil Analysis, Geotech Study, Wetland Buffer Modification, Design Rd Mod, Site Distance Ltr & School Busing Ltr |
| 7 | 7/21/09 | CC Development Services | <u>Not</u> Fully Complete Determination |
| 8 | 9/15/09 | CC Development Services | Development Review Fully Complete Determination |
| 9 | 10/1/09 | CC Development Services | Notice of Type III Dev Review, Optional SEPA Determination & Public Hearing |
| 10 | 10/1/09 | CC Development Services | Affidavit of Mailing Public Notice |
| 11 | 10/8/09 | CC Development Services | Wetland Determination |
| 12 | 10/8/09 | CC Development Services | Aerial With White Oak Location |
| 13 | 10/13/09 | Southwest Clean Air Agency | SEPA Comment |
| 14 | 10/14/09 | CC Development Services | Early Issues Email to Applicant |
| 15 | 10/16/09 | Teri Hall | Public Comment Letter |
| 16 | 10/16/09 | Department of Ecology | SEPA Comment |

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| 17 | 10/20/09 | CC Development Services | Email Forwarding Public Comments to Applicant |
| 18 | 10/20/09 | Pat and Gregg Levitt on Behalf of Greyhawk Ridge HOA | Email Requesting Information Regarding Proposed Subdivision and Staff Response |
| 19 | 10/21/09 | CC Development Services | Email to Applicant Extending "Early Issues" Deadline |
| 20 | 10/21/09 | CC Development Services | Email Forwarding Levitt Comments to Applicant |
| 21 | 10/26/09 | Applicant: Kessi Consulting | Revised Phasing and Density Transfer Narrative |
| 22 | 10/26/09 | Applicant: Kessi Consulting | Revised Geotechnical Engineering Study |
| 23 | 10/26/09 | Applicant: Kessi Consulting | Revised Plans: Cover and Phasing Plan; Proposed Plan; Storm, Street, and Utilities Plan; and Topographic Survey |
| 24 | 10/26/09 | Applicant: Kessi Consulting | Email Identifying Submittal Items and Withdrawing Road Modification |
| 25 | 10/22/09 | Michelle McGraw, Ecological Land Services, on behalf of the Applicant | Additional Wetland Information |
| 26 | 10/22/09 | CC Development Services | Staff Response to Additional Wetland Information |
| 27 | 10/26/09 | Michelle McGraw, Ecological Land Services, on behalf of the Applicant | Revised Wetland Rating Form |
| 28 | 10/26/09 | Michelle McGraw, Ecological Land Services, on behalf of the Applicant | Revised Figure 2A Wetland Form |
| 29 | 10/27/09 | Applicant: Kessi Consulting | Concurrency Off-Site Voluntary Mitigation Letter |
| 30 | 10/28/09 | CC Development Engineering | Email Regarding On-site Road Width |
| 31 | 10/30/09 | Applicant: Kessi Consulting | Affidavit of Posting Land Use Sign |
| 32 | 11/3/09 | Gregg and Pat Levitt | Email On Greyhawk Ridge Easements |
| 33 | 11/4/09 | Applicant: Kessi Consulting | Response to Greyhawk Ridge HOA Public Comments |
| 34 | 11/4/09 | Applicant: Kessi Consulting | Response to Hall Public Comment |
| 35 | 11/4/09 | CC Development Services | Recorded Plat for Greyhawk Ridge at Pleasant Valley Phase 2 |

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| 36 | 11/5/0 | CC Development Services | Lot Calculations |
| 37 | 11/6/09 | CC Development Services | Notice of Public Hearing |
| 38 | 11/9/09 | CC Development Services | Affidavit of Posting Public Notice |
| 39 | 11/9/09 | CC Development Services – Vicki Kirsher, the Project Planner | Type III Development & Environmental Review, Staff Report & Recommendation |
| 40 | | | |

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810

